

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

KENNETH MEEKS,

Petitioner,

v.

Civil Action No. **3:18CV815**

MARK BOLSTER,

Respondent.

MEMORANDUM OPINION

Kenneth Meeks, a federal inmate proceeding *pro se*, filed this petition pursuant to 28 U.S.C. § 2241, in which he raises two claims: (1) that the Federal Bureau of Prisons' ("BOP") "execution and imposition of 18 U.S.C. § 3621(e) is improper" and that § 3621 improperly delegates authority to the BOP; and, (2) the BOP "violated equal protection laws because . . . [he] was denied [early] release based on the same nonviolent conduct as those similarly situated." (Mem. Supp. § 2241 Petition 1–15, ECF No. 1.) Respondent Mark Bolster moved to dismiss Meeks' petition for failure to state a claim, or in the alternative for summary judgment, because, "as a threshold matter, the BOP's individual determinations for § 3621(e)(2)(B) early release are not reviewable under the [Administrative Procedure Act]." (Mem. Supp. Mot Dismiss 10, ECF No. 14.) Respondent further asserted that the statute properly delegates authority to the BOP, the BOP regulations implementing the statute do not violate the law, and Meeks "has not alleged any violation of his equal protection rights." (*Id.*)

Meeks filed a response in opposition to the Motion, (Opp'n, ECF No. 18), and Respondent replied, (ECF No. 19). Meeks also filed a "Motion to Order Respondent to Serve Petitioner with its Response," (ECF No. 16), and Respondent filed in response a "Notice of Service of Filings to Petitioner," (ECF No. 17).

On January 24, 2019, the Magistrate Judge issued a Report and Recommendation wherein he recommended granting the Motion for Summary Judgment, dismissing as moot the Motion to Dismiss and Meeks' motion regarding service, and dismissing the § 2241 Petition. The Magistrate Judge advised Meeks that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Meeks has not responded and the time to do so has expired.


“The magistrate [judge] makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” *Estrada v. Witkowski*, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). This Court “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “The filing of objections to a magistrate [judge’s] report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.” *Thomas v. Arn*, 474 U.S. 140, 147 (1985) (footnote omitted). In the absence of a specific written objection, this Court may adopt a magistrate judge’s recommendation without conducting a *de novo* review. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, and the Court having determined that the Report and Recommendation is correct on its merits, the Report and Recommendation (ECF No. 20) will be ACCEPTED and ADOPTED. Respondent’s Motion for Summary Judgment will be GRANTED. (ECF No. 13.) The Court will DISMISS AS MOOT Respondent’s Motion to Dismiss, (ECF No. 12), and Meeks’ “Motion to Order Respondent to Serve Petitioner with its

Response,” (ECF No. 16). The Court will dismiss Meeks’ § 2241 Petition. (ECF No. 1.)
Meeks’ claims and the action will be DISMISSED.

An appropriate Order will accompany this Memorandum Opinion.

Date: Feb. 21, 2020
Richmond, Virginia



M. Hannah Lauck
United States District Judge